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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,831	09/10/2003	Peter J. Black	990486D1	5958
23696 7590 12/10/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER TSEGAYE, SABA	
			ART UNIT 2467	PAPER NUMBER
			NOTIFICATION DATE 12/10/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
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nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,831	<b>Applicant(s)</b> BLACK ET AL.	
	<b>Examiner</b> SABA TSEGAYE	<b>Art Unit</b> 2467	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This office Action is in response to the amendment filed 09/01/09. Claims 1-3, 5, 6 and 12-17 are pending. Currently no claims are in condition for allowance.

### *Claim Rejections - 35 USC § 102*

2. Claims 1, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 6,421,373 B1).

Claims 1, 12 and 15, Saito discloses an apparatus (Figs. 2, 7, 14) comprising:

a first device (BS1) to transmit at a first frequency (f1); and a second device (BS2) to transmit at a second frequency (f2); further, Saito discloses that signals transmitted from each base station to a mobile terminal include a pilot signal and each base station transmits these signals upon spreading and modulating the signal by a pilot PN sequence, each base station is provided with a different phase offset so that the mobile terminal can identify the particular base station (column 4, line 30-46; column 9, lines 63-column 10, line 3; column 11 lines 6-12).

3. Claims 1-3, 5-6, 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by CZAJZ et al. (2002/0037726 A1).

Regarding claims 1, 12 and 15, CZAJA discloses a deployment model of a 3G system consists of a partial overlay of 2G networks (base stations 10, 12) and 3G network (base station 14) [each base station transmits at a different frequency] as shown in Fig. 1. Each system (2G, 3G) employ **different modulation schemes** and spreading rates. That is each CDMA sector sends its own pilot channel requiring its own corresponding PN offset (claimed a first and a

Art Unit: 2467

second PN sequences generators at a first and a second offsets from different equations) (0009; 0029; 0030).

Regarding claims 2, and 3, CZAJA teaches a soft handoff between different generations of CDMA systems. A mobile station measures pilot's strength of all base station (2G and 3G) and reports to the base station (0041; 0052).

Regarding claims 5, 6, 13, 14, 16 and 17, CZAJA discloses a CDMA mobile communication system in IS-95A/IS-95B standards. According to IS-95 standards, the short code I-sequence is associated  $P_{1,2} = x^{15} + x^{13} + x^9 + x^8 + x^7 + x^5 + 1$  and Q-sequence is associated with the polynomial  $P_{Q,1} = X^{15} + x^{12} + x^{11} + x^{10} + x^6 + x^5 + x^4 + x^3 + 1$ .

### ***Claim Rejections - 35 USC § 103***

4. Claims 2, 3, 5, 6, 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over SETA in view CZAJA et al.

Regarding claims 2 and 3, SETA discloses all the claim limitation as stated above, except for different CDMA format.

CZAJA teaches a soft handoff between different generations of CDMA systems. A mobile station measures pilot's strength of all base station (2G and 3G) and reports to the base station (0041; 0052).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use different CDMA format, such as that suggested by CZAJA, in the system of SETA in order to provide improved communication system which is a mix of different and compatible CDMA system.

Art Unit: 2467

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-3, 5, 6 and 12-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SABA TSEGAYE whose telephone number is (571)272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Tsegaye  
Examiner  
Art Unit 2467

/S. T./  
Examiner, Art Unit 2467

Application/Control Number: 10/659,831

Page 5

Art Unit: 2467

/Hong Cho/

Primary Examiner, Art Unit 2467